



## TALBOT COUNTY OFFICE OF PLANNING & ZONING

### **APPLICATION PROCEDURE FOR: MINOR VARIANCE CRITICAL AREA**

Refer to Article, IX, §190-182 B. Minor Variances of the Talbot County Code. **If your project exceeds 10 percent of the stated requirement you may not continue with this application, you shall go to the Talbot County Board of Appeals.**

Please read the attached material thoroughly. The documents in the application packet should be completed and delivered to the Talbot County Planning Office located in the Talbot County Planning Office. The filing fee is \$300.00. Checks shall be made payable to **Talbot County**, Maryland.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing, sign posting and other pertinent dates. The applicant/agent is responsible for noting & complying with these dates. Direct any questions to Planning Office at (410) 770-8030.

1. **Application for Minor Variance:** Complete the "Purpose of Appeal". This informs the Planning Officer/Planning Commission what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Minor Variance Requirements:** These documents contain standards as defined in §190-182 of the Talbot County Code that you will be required to address during the hearing. They are the basis for the appeal. All questions must be addressed, do not leave any questions unanswered.
3. **Adjacent Property Owners:** The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Chapter 190, Article IX, § 190-172 C of the Talbot County Code. For purposes of this Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate tax bill on property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at <http://www.dat.state.md.us>. A copy of the tax map is needed with subject property highlighted.

#### **Water Front Property**

For parcels fronting on the water, contiguous property owner(s) also include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.

4. **Posting Property, Article IX, Chapter 190, § 190-172 B:** This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Planning Office will inform the Applicant/Agent and posting locations will be designated.
5. **Sign Maintenance Agreement:** This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Planning Office within 5 days after the hearing date, or a substantial fine may be imposed. See insert in this package for posting of the sign.
6. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
7. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing and proposed buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads, streams, or bodies of water. The site plan must be drawn to scale. Please submit ten (10) copies of the site plans needed for your project along with (1) additional copy if within the 100' buffer, (1) additional copy if property is located on a state highway and (1) additional copy for any other agency that may need a copy for review.
8. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property for which the variance is requested, the Applicant shall attach to the application a letter of authorization from the owner stating that he/she has reviewed the application and concurs with its content.

9. **Incomplete Application:** The application shall be delivered to the Office of Planning & Zoning. If the application is deemed incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. Federal, State and/or local permits or approvals may be required to be obtained prior to application submittal.
10. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.

**INFORMATIONAL PURPOSES ONLY FOR MINOR VARIANCE:**

**Public Hearing Notice:** Public notice shall be given for a public hearing on an application for a variance by the Board of Appeals in accordance with the provisions set forth in Chapter 20, § 20-11 of the Talbot County Code.

**Site Visit:** All structures and piers must be staked when application is submitted to this office as there will be a site visit to the property during planning review of the application. However, a decision on a variance shall be decided upon the basis of the evidence of record.

**Variance Time Limited:** The Planning Director/Planning Commission may impose a time limit within which a variance must be put into effect.

**Planning Director/Planning Commission Conditions of Approval:** In granting variances, the Planning Director/Planning Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surroundings properties.

The Planning Office, may not give advice with regard to this application nor are they permitted to assist in the preparation.

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***This original package must be returned with original signatures and dates.***



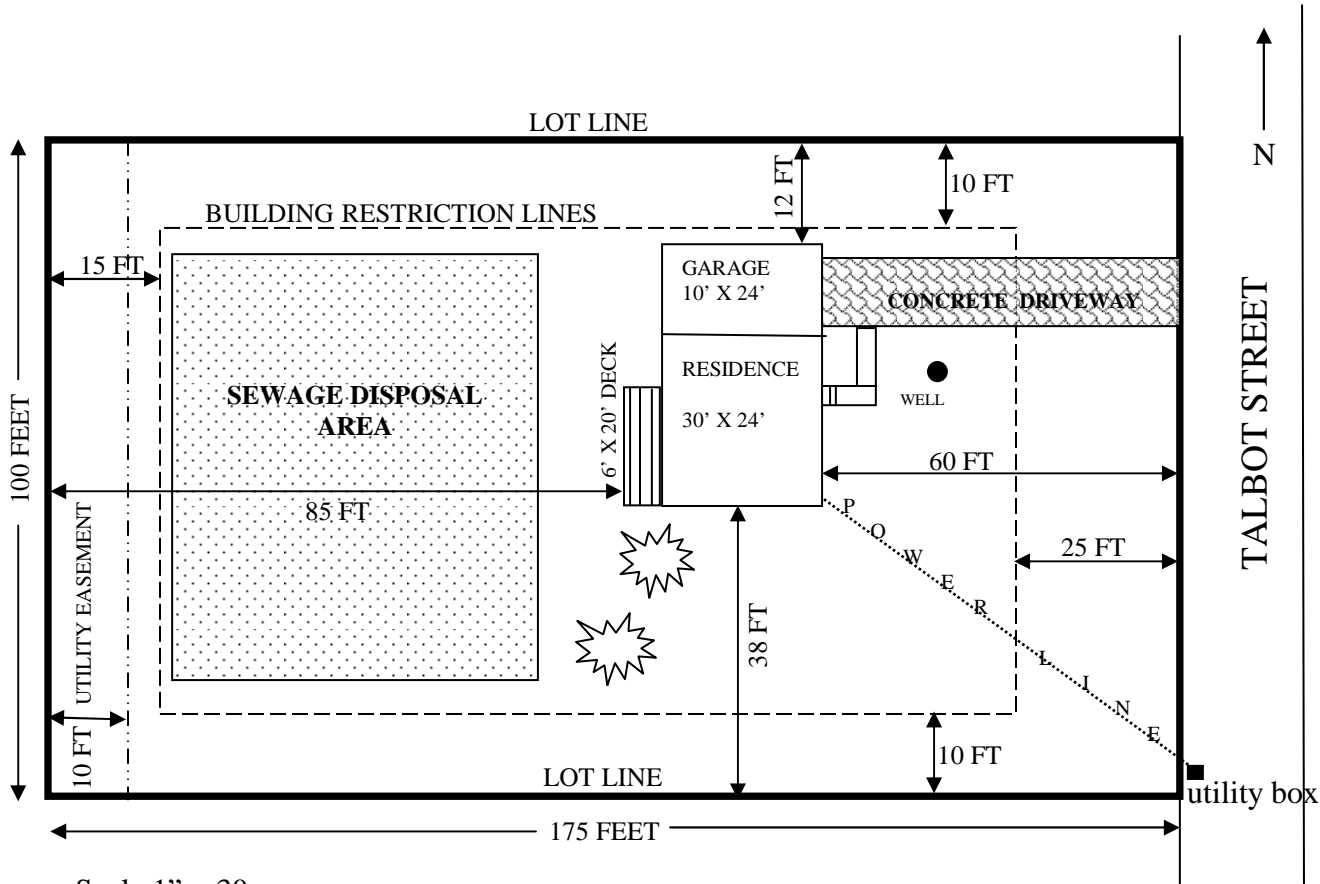
RESIDENTIAL MINOR VARIANCES

SITE PLAN REQUIREMENTS

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.,) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.



EXAMPLE SITE PLAN



Scale 1" = 30  
☼ = Oak trees (mature)

EXAMPLE Not To Scale



OFFICIAL USE ONLY

Hearing Date \_\_\_\_\_

Application No. \_\_\_\_\_

Filing Date \_\_\_\_\_

Amount Paid \_\_\_\_\_

Neighbors  
Notified \_\_\_\_\_

To the Talbot County Planning Director/Planning Commission,

Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

\_\_\_\_\_ **Minor Variance (Critical Area)**

**Purpose of Appeal:** Variance request, state fully the kind of variance desired and reasons therefore. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A.

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Location of Property: \_\_\_\_\_

Tax Map \_\_\_\_\_ Grid \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_ Size \_\_\_\_\_ Zone \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ ( ) \_\_\_\_\_ Election District \_\_\_\_\_

Applicant's name, address & telephone number if different from owner: \_\_\_\_\_

Has above property ever been subject of previous variance? \_\_\_\_\_

If so, give Application number(s) and date(s) \_\_\_\_\_

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

\_\_\_\_\_  
Applicant's/Agent's Signature

**IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.**



Application No. \_\_\_\_\_

Name(s) & Addresses of the adjacent property owners. (Chapter 190, Article IX, § 190-172 C) of the Talbot County Code.

Name and Address	Map	Grid	Parcel & Lot #

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



## TALBOT COUNTY OFFICE OF PLANNING & ZONING

### **"MINOR CRITICAL AREA VARIANCE STANDARDS"**

Application No. \_\_\_\_\_

Hearing Date: \_\_\_\_\_

#### **Chapter 190 Zoning – Talbot County Code**

Article IX, § 190-182 - Variances

**Variances:** To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall not be granted unless and until the applicant has demonstrated that:

The applicant for a variance shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Planning Director/Planning Commission.

In order to vary or modify the minor variance provisions of Chapter 190, the Planning Director or Planning Commission must determine that the application meets all of the following criteria:

- (a) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship.

#### **Applicant Response:**

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- (b) A literal interpretation of the Critical Area requirements of this chapter will deprive the property owner of rights commonly enjoyed by other property owners in the same zoning district.

#### **Applicant Response:**

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- (c) The granting of a variance will not confer upon the property owner any special privilege that would be denied by this chapter to other owners of lands or structures within the same zoning district.

#### **Applicant Response:**

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(d) The variance request is not based on conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.

**Applicant Response:**

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(e) The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat, and the granting of the variance will be in harmony with the general spirit and intent of the state Critical Area Law and the Critical Area Program.

**Applicant Response:**

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(f) The variance shall not exceed the minimum adjustment necessary to relieve the unwarranted hardship.

**Applicant Response:**

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(g) If the need for a variance to a Critical Area provision is due partially or entirely because the the lot is a legal nonconforming lot that does not meet current area, width or location standards, the variance should not be granted if the nonconformity could be reduced or eliminated by combining the lot, in whole or in part, with an adjoining lot in common ownership.

**Applicant Response:**

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Note: Within the Critical Area, if a request for a variance arises regarding nonconforming lots of record, the applicant must demonstrate and the Board of Appeals must find that criteria [a] through [g] above have been met and further that, due to the pattern of lot ownership, it is not possible to reconfigure or consolidate lots so as to permit compliance with this Ordinance.

**All standards above must be addressed, do not leave any questions unanswered.**

***County action will be predicated upon the applicant's compliance with the above.***

The Applicant shall provide evidence of compliance with Chapter 190, Article II, Regulations for specific land uses and § 190-147, as applicable.

The Applicant is responsible for providing compliance with each finding and requirement, and consistency with Chapter 190 of the Talbot County Code and the intent of the critical area law.

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Signature of Applicant or  
Designated Agent**



**References:**

- 1. Talbot County Comprehensive Plan
- 2. Talbot County Code
- 3. File

**All proposed structures must be staked out prior to the staff's site visit.**





Application No. \_\_\_\_\_

Talbot County Department of Planning and Zoning  
215 Bay Street, Suite 2  
Easton, Maryland 21601  
410-770-8030

**Independent Procedures Disclosure and Acknowledgement Form**

Proposed Project Name: \_\_\_\_\_  
Physical Address of Property: \_\_\_\_\_  
Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone: \_\_\_\_\_  
Name of Applicant: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Applicant Agent: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Property Owner: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_

Applicant acknowledges and understands:

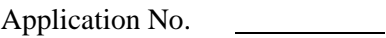
1. This Application may be subject to local, state and federal laws, Ordinances, rules, or regulations (hereafter "Laws") other than those that the Office of Planning & Zoning or Board of Appeals reviews, administers, or applies in connection with this review.
2. Other agencies, including but not limited to the Talbot County Health Department, Division of Environmental Health, Maryland Department of the Environment, U.S. Army Corps of Engineers, Maryland Department of Natural Resources, US Fish and Wildlife Service and others may also have review authority over the project or development proposed in the application.
3. Applicant remains solely responsible for compliance with all applicable laws, ordinances, rules, or regulations.
4. Applicant understands that review of this Application does not necessarily Include review of any other applicable laws.
5. Applicant understands that neither the Office of Planning & Zoning nor any of its employees has authority to grant permission or approval of any project or proposed development that violates any applicable law, ordinance, rule, or regulation of Talbot County, Maryland, and that any such approval issued in error has no enforceable legal effect.
6. Applicant understands that any issued by the Office of Planning & Zoning or by the Board of Appeals does not necessarily guarantee or assure the applicant that this project or proposed development may proceed.

I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.

\_\_\_\_\_  
(SEAL)  
Applicant  
\_\_\_\_\_  
(SEAL)  
Applicant/Agent

*For Office Use Only:* Date Received: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Detailed Directions to Applicant's Property:**

[illegible]

**PLEASE STAKE OUT ALL PROPOSED STUCTURES WHEN APPLICATION HAS BEEN SUBMITTED TO THIS OFFICE.**